

3. Remarks

Specification.

Applicants have amended the specification to correct several obviously misspelled words and other minor errors as indicated in the enclosed redlined substitute Specification. Correction of misspelled words does not constitute the addition of new matter to the application.

In the paragraph beginning at page 82, line 4 of the originally submitted specification, the text stating "Table 3 below" was changed to "Table 5 below." Since Table 3 appears on page 78, it is self-evident that "Table 3" is incorrect. The only table appearing "below" page 82, line 4 is the table at page 83. This table clearly should have been labelled "Table 5," as a "Table 4" appears at page 81. Accordingly, the number of this table has been corrected as well as the text referring to the table. Thus, the amendments relating to this table do not constitute the addition of new matter to the application.

Another error in the application as filed appears in the paragraph beginning at page 15, line 26 of the original application and also in the paragraph beginning at page 40, line 35 of this same document. This inadvertent error appeared in the sentence shown below with the amendments included (this sentence begins at page 15, line 33 of the original specification):

"Such 4-1BB antagonists include,...antibodies, fusion proteins and/or peptibodies directed against 4-1BB that specifically bind 4-1BB and partially or completely inhibit binding of 4-1BB to 4-1BB-L; antibodies, ~~fusion~~ fusion proteins and/or peptibodies directed against ~~4-1BB~~ 4-1BB-L that specifically bind ~~4-1BB~~ 4-1BB-L and inhibit binding of ~~4-1BB-L~~ 4-1BB without themselves transducing a signal via ~~4-1BB~~ 4-1BB-L..."

Unless amended, the above sentence would contain two sequential phrases that both describe antibodies, peptibodies and fusion proteins against the same target. It would be self-evident to a reader that the duplication of this phrase must have been unintended. The reader would surmise that either one of the phrases was not meant to be there at all, or that the target specified in the second of the two phrases was meant to differ from the target specified in the first. In view of the application taken as a whole, it would be self-evident that the latter is the case.

It is clear from the disclosure that the 4-1BB antagonists of the invention include both antibodies against 4-1BB and antibodies against 4-1BB-L. Accordingly, it would be self-evident that the first iteration of the above-discussed phrase was meant to recite antibodies to 4-1BB, and the second iteration was meant to recite antibodies to 4-1BB-L. Applicants respectfully submit that this conclusion is obvious in light of several statements found throughout the specification. One such example is the second sentence of the paragraph containing the sentence quoted above. This sentence states: "[i]n other words, because the 4-1BB:4-1BB-L interaction exhibits bi-directional signalling, a 4-1BB antagonist may bind

either 4-1BB or 4-1BB-L so long as the antagonist does not itself activate 4-1BB or 4-1BB-L." (page 15, lines 30-33 of original application, emphasis added). This statement is entirely consistent with the amended sentence shown above.

In addition, the specification states also at page 5, lines 24-27 of the originally submitted specification that "[a]ntagonists presented herein further comprise *antibodies, fusion proteins and peptibodies directed against one or more of the following*: IL-17, IL-17R, IL-18, IL-18R, CD30, CD30-L, *4-1BB, 4-1BB-L*, OX40 and/or OX40-L." (emphasis added)

Moreover, at page 40, line 34 the specification states that "IL-17, IL-18, *4-1BB*, CD30 and OX40 *antagonists include antibodies that specifically bind* IL-17, IL-17R, IL-18, IL-18R, IL-18BP, *4-1BB, 4-1BB-L*, CD30, CD30-L, OX40 or OX40-L." (emphasis added).

Numerous other examples of such disclosure exist throughout the specification. In view of these disclosures, the amendments discussed above do not constitute the addition of new matter to the application. Applicants note that the same reasoning applies to the similar proposed amendment to the paragraph beginning at page 40, line 35 of the original specification.

Lastly, the Abstract of the Disclosure has been rewritten as shown in the redlined version of the substitute Specification. The Abstract was revised so that its contents would conform to the current subject matter of the claims. The amendments to the Abstract do not constitute the addition of new matter to the application.

Claims.

Original claims 1-11 were withdrawn by way of a Preliminary Amendment submitted January 7, 2004. That Preliminary Amendment also amended the application by adding new claims 12-30.

Applicants have now withdrawn claims 12-30 and have amended the application by adding new claims 31-62. Support for new claims 31-62 is found throughout the specification and therefore these claims do not constitute new matter. Examples of support in the specification for these new claims are given below. The pages and line numbers given here refer to the originally submitted application.

- Claim 31: page 2, lines 25-32; page 4, lines 8-37; page 62, lines 6-35; page 63, lines 22-38;
- Claim 32: page 5, lines 21-27; page 15, lines 33-38; page 16, line 13 to page 17, line 12; page 40, line 34 to page 41, line 9;
- Claim 33: page 16, line 13 to page 17, line 12; page 34, line 34 to page 36, line 11;
- Claim 34: page 15, lines 33-38; page 40, lines 35-37; page 41, lines 6-9; page 82, line 1 to page 84, line 2;
- Claim 35: page 42, lines 4-9; page 42, line 28 to page 43 line 11;
- Claim 36: page 43, lines 8-11 and 31-35;

- Claim 37: page 5, lines 24-27; page 15, lines 26-27 (as amended); page 40, lines 35-37; page 41, lines 6-9 (as amended);
- Claim 38: page 4, lines 8-13 and 18; page 62, lines 6-16;
- Claim 39: page 4, line 26;
- Claim 40: page 42, lines 4-9 and 19-27; page 43, line 36 to page 44, line 13; page 62, lines 1-2;
- Claim 41: page 44, lines 19-23;
- Claim 42: page 55, lines 6-7; page 61, line 14 to page 62, line 3;
- Claim 43: page 64, line 12 to page 65, line 34;
- Claim 44: page 77, line 16 to page 81, line 32;
- Claim 45: page 4, lines 12-18; page 62, lines 6-16;
- Claim 46: page 65, line 35 to page 68, line 6; page 77, line 16 to page 81, line 32;
- Claim 47: page 66, lines 5-7;
- Claim 48: page 66, lines 9-11 and 16-34; page 67, lines 31-37;
- Claim 49: page 66, lines 9-11, 17 and 25-33;
- Claim 50: page 5, lines 21-27; page 15, lines 33-38; page 16, line 13 to page 17, line 12; page 40, line 34 to page 41, line 9;
- Claim 51: page 16, line 13 to page 17, line 12; page 34, line 34 to page 36, line 11;
- Claim 52: page 65, line 35 to page 68, line 6;
- Claim 53: page 66, line 35 to page 67, line 2; page 67, lines 10-21; page 67, line 37 to page 68, line 6;
- Claim 54: page 14, line 31 to page 15, line 6; page 79, line 14 to page 81, line 32;
- Claim 55: page 43, lines 8-11 and 31-35; page 66, lines 16-34; page 67, lines 3-9 and 24-37; page 77, line 16 to page 81, line 32;
- Claim 56: page 65, line 35 to page 68, line 6; page 77, line 16 to page 81, line 32;
- Claim 57: page 66, lines 9-11 and 16-34; page 67, lines 31-37;
- Claim 58: page 5, lines 21-27; page 15, lines 33-38; page 16, line 13 to page 17, line 12; page 40, line 34 to page 41, line 9;
- Claim 59: page 5, lines 24-27; page 15, lines 26-27 (as amended) and 33-38; page 40, lines 35-37; page 41, lines 6-9 (as amended); page 43, lines 8-11 and 31-35;
- Claim 60: page 16, line 13 to page 17, line 12; page 34, line 34 to page 36, line 11;
- Claim 61: page 5, lines 24-27; page 15, lines 26-27 (as amended) and 33-38; page 40, lines 35-37; page 41, lines 6-9 (as amended); page 66, lines 9-11, 17 and 25-33;
- Claim 62: page 5, lines 24-27; page 15, lines 26-27 (as amended) and 33-38; page 40, lines 35-37; page 41, lines 6-9 (as amended); page 43, lines 8-11 and 31-35; page 65, line 35 to page 68, line 6; page 77, line 16 to page 81, line 32;

4. Conclusions

Applicants ask that new claims 31-62 and the amendments shown in the enclosed substitute Specification be entered into the application. All of the new claims are believed to be in condition for allowance. If any questions remain in the application, the examiner is asked to expedite the prosecution of this application by calling the undersigned at her direct dial number given below.

Respectfully submitted,



Diana K. Sheiness
Attorney/Agent for Applicants
Registration No.: 35,356
Phone: (206) 265-7818
Date: September 20, 2004

Please send all future correspondence to:

22932

Immunex Corporation
Law Department
1201 Amgen Court West
Seattle, WA 98119-3105
(206) 265-7000